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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,343

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EXAMINER

ROSEN, ERIC J

ART UNIT

PAPER NUMBER

3732

NOTIFICATION DATE

DELIVERY MODE

09/23/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com

## Office Action Summary

Application No.

10/598,343

Applicant(s)

PEUKER ET AL.

Examiner

ERIC ROSEN

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 20 and 24-35 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 20 and 24-35 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-943)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. In view of the Appeal brief filed on 10/04/2010, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

2. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

3. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Cris L. Rodriguez/  
Supervisory Patent Examiner, Art Unit 3732

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 20 and 24-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Regarding claim 20, it is unclear what is meant by "a plug that **may be pushed forward**". Is the plug pushed forward upon movement of the plunger toward the front end of the cartridge or not? As best understood by the Examiner, this should be changed to read "a plug that is pushed forward".

7. Claim 20 recites the limitation "the compartments" in the body of the claim. There is insufficient antecedent basis for this limitation in the claim. As best understood by the Examiner, this should be changed to read "the at least two compartments".

8. Regarding claim 24, it is unclear what is meant by "additional springs". There are no springs claimed in any previous claim. Therefore, it is unclear if the claimed invention has springs, but does not require springs to be added (additional springs), or if the claimed invention has no springs.

9. Regarding claim 29, it is unclear what is meant by "a sleeve". Is this the same "sleeve" referred to in claim 28 or a different sleeve?

10. Regarding claim 30, it is unclear what is meant by "a plunger" and "a piston". Is "a plunger" referring to the "plunger" in claim 20 or to a different plunger? Is "a piston" referring to one of the "at least two pistons" in claim 20 or to a different piston?

11. Regarding claim 31, it is unclear what is meant by "material components". Are these the same material components referred to in claim 20 or different material components?

12. Regarding claim 33, it is unclear what is meant by "gel/liquids". Does this mean "gel and liquid", "gel and/or liquid" or "gel or liquid"?

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13. Regarding claim 33 and 34, is unclear what combinations of elements may be included in the claimed invention. The claims should be put into proper format for a Markush claims as follows: A Markush-type claim recites alternatives in a format such as "selected from the group consisting of A, B and C."

14. Regarding claim 35, it is unclear what is meant by "a plug". Is this the same "plug" referred to in claim 20 or a different plug?

15. Claim 35 recites the limitation "the compartments" in claim 20. There is insufficient antecedent basis for this limitation in the claim. As best understood by the Examiner, this should be changed to read "the at least two compartments".

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 20, 25, 27, 31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles and in view of Tischlinger et al (US 3729032).

18. Regarding claims 20, 33 and 35, Broyles discloses a delivery system 10/38 (figure 2) and 60 (figure 6) for controlled dispensing of a substance, the system comprising: a cartridge 12/22 having at least two compartments for storing material components to form a substance; a plunger 22 having at least two pistons (see "pistons" in figure 2 below) for sealing the respective compartments and advancing the material

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components in the at least two compartments; and a lever 30 and a geared connection rod (see "connection rod" in figure 2 below) for providing controlled dispensing of the substance, wherein the lever is integrally formed with at least a part of the cartridge (see figure 2; the lever 30 is integrally formed with element 20 of the cartridge during assembly), and wherein the geared connection rod (see "connection rod" in figure 2 below) is integrally formed with the plunger 22. Re. claim 27, Broyles further discloses a reservoir 60 (figure 6) for receiving the mixed substance). Re. claim 31, Broyles further discloses the cartridge comprises an actuator part 22 (element 20 also serves as an actuator part; figure 2) and a material receptacle 12 having at least two compartments 14 for storing material components, the material receptacle being separable from the actuator part (element 22 is shown to be separable in figure 2). Re. claim 33, Broyles further discloses a substance for the treatment of caries (Col. 1, lines 45-46).

19. Broyles is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Tischlinger discloses a delivery system comprising a self-opening closure system 41 (figures 1 and 2) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 45-65), the self-opening closure system comprising a plug 41 that may be pushed forward upon movement of the plunger toward the front end of the cartridge (Col. 4, lines 45-65). Therefore, it would be

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obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Tischlinger, for the purpose of keeping the dispenser from leaking while not in use.

20. Claims 20, 25, 27, 31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles and in view of Nilson (US 4141474).

21. Regarding claims 20, 33 and 35, Broyles discloses a delivery system 10/38 (figure 2) and 60 (figure 6) for controlled dispensing of a substance, the system comprising: a cartridge 12/22 having at least two compartments for storing material components to form a substance; a plunger 22 having at least two pistons (see "pistons" in figure 2 below) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 30 and a geared connection rod (see "connection rod" in figure 2 below) for providing controlled dispensing of the substance, wherein the lever is integrally formed with at least a part of the cartridge (see figure 2; the lever 30 is integrally formed with element 20 of the cartridge during assembly), and wherein the geared connection rod (see "connection rod" in figure 2 below) is integrally formed with the plunger 22. Re. claim 27, Broyles further discloses a reservoir 60 (figure 6) for receiving the mixed substance). Re. claim 31, Broyles further discloses the cartridge comprises an actuator part 22 (element 20 also serves as

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an actuator part; figure 2) and a material receptacle 12 having at least two compartments 14 for storing material components, the material receptacle being separable from the actuator part (element 22 is shown to be separable in figure 2). Re. claim 33, Broyles further discloses a substance for the treatment of caries (Col. 1, lines 45-46).

22. Broyles is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Nilson discloses a delivery system comprising a self-opening closure system 18 (figure 1) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 57-62; abstract), the self-opening closure system comprising a plug 18 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Broyles if incorporated onto the tips of the device disclosed by Broyles). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Nilson, for the purpose of keeping the dispenser from leaking while not in use.

23. Claims 20, 25, 27, 31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles and in view of Schlicksupp (US 2628004).

24. Regarding claims 20, 33 and 35, Broyles discloses a delivery system 10/38 (figure 2) and 60 (figure 6) for controlled dispensing of a substance, the system comprising: a cartridge 12/22 having at least two compartments for storing material components to form a substance; a plunger 22 having at least two pistons (see "pistons" in figure 2 below) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 30 and a geared connection rod (see "connection rod" in figure 2 below) for providing controlled dispensing of the substance, wherein the lever is integrally formed with at least a part of the cartridge (see figure 2; the lever 30 is integrally formed with element 20 of the cartridge during assembly), and wherein the geared connection rod (see "connection rod" in figure 2 below) is integrally formed with the plunger 22. Re. claim 27, Broyles further discloses a reservoir 60 (figure 6) for receiving the mixed substance). Re. claim 31, Broyles further discloses the cartridge comprises an actuator part 22 (element 20 also serves as an actuator part; figure 2) and a material receptacle 12 having at least two compartments 14 for storing material components, the material receptacle being separable from the actuator part (element 22 is shown to be separable in figure 2). Re. claim 33, Broyles further discloses a substance for the treatment of caries (Col. 1, lines 45-46).

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25. Broyles is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Schlicksupp discloses a delivery system comprising a self-opening closure system 4 (figures 2 and 4) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 36-56), the self-opening closure system comprising a plug 4 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Broyles if incorporated onto the tips of the device disclosed by Broyles). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Schlicksupp, for the purpose of keeping the dispenser from leaking while not in use.

26. Claims 20, 25, 27, 31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles and in view of Dark (US 6616012 B2).

27. Regarding claims 20, 33 and 35, Broyles discloses a delivery system 10/38 (figure 2) and 60 (figure 6) for controlled dispensing of a substance, the system

comprising: a cartridge 12/22 having at least two compartments for storing material components to form a substance; a plunger 22 having at least two pistons (see "pistons" in figure 2 below) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 30 and a geared connection rod (see "connection rod" in figure 2 below) for providing controlled dispensing of the substance, wherein the lever is integrally formed with at least a part of the cartridge (see figure 2; the lever 30 is integrally formed with element 20 of the cartridge during assembly), and wherein the geared connection rod (see "connection rod" in figure 2 below) is integrally formed with the plunger 22. Re. claim 27, Broyles further discloses a reservoir 60 (figure 6) for receiving the mixed substance). Re. claim 31, Broyles further discloses the cartridge comprises an actuator part 22 (element 20 also serves as an actuator part; figure 2) and a material receptacle 12 having at least two compartments 14 for storing material components, the material receptacle being separable from the actuator part (element 22 is shown to be separable in figure 2). Re. claim 33, Broyles further discloses a substance for the treatment of caries (Col. 1, lines 45-46).

28. Broyles is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Dark discloses a delivery system comprising a self-opening closure system 10 (figures 1-8) which seals the front ends of compartments and would open when the

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plunger is advanced (Col. 4, lines 5-10; Col. 6, lines 37-45), the self-opening closure system comprising a plug 60/68 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Broyles if incorporated onto the tips of the device disclosed by Broyles). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Dark, for the purpose of keeping the dispenser from leaking while not in use.



29. Claims 20, 25, 27 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al (US 20040024353 A1) in view of Tischlinger.

30. Regarding claims 20 and 35, Petersen discloses a delivery system 10 (figure 1) for controlled dispensing of a substance, the system comprising: a cartridge 12 (figure 2) having at least two compartments 18/16 (figure 2) for storing material components that may be mixed to form a substance; a plunger 50 (figure 2) having at least two pistons 32/44 (figure 2) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 58 (figure 4) and a geared connection rod 94 (figure 4B) for providing controlled dispensing of the substance.

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31. Petersen further discloses the lever 58 (figure 3) is attached (indirectly) to a sleeve 66 (figure 3) and a pawl 98 engages with the lever so that upon each push of the lever, the pistons are caused to move forward, providing controlled dispensing of the substances.

32. Petersen also discloses wherein by pressing the lever, a pawl 98 (figure 4) engages with the connecting rod 94 (figure 4B; on underside of element 76 in figure 4) and thereby activates a plunger 50 (figure 2), and a piston 32/44 is moved forward.

33. Petersen is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Tischlinger discloses a delivery system comprising a self-opening closure system 41 (figures 1 and 2) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 45-65), the self-opening closure system comprising a plug 41 that may be pushed forward upon movement of the plunger toward the front end of the cartridge (Col. 4, lines 45-65). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Petersen to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Tischlinger, for the purpose of keeping the dispenser from leaking while not in use.

34. Claims 20, 25, 27 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen and in view of Nilson.

35. Regarding claims 20 and 35, Petersen discloses a delivery system 10 (figure 1) for controlled dispensing of a substance, the system comprising: a cartridge 12 (figure 2) having at least two compartments 18/16 (figure 2) for storing material components that may be mixed to form a substance; a plunger 50 (figure 2) having at least two pistons 32/44 (figure 2) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 58 (figure 4) and a geared connection rod 94 (figure 4B) for providing controlled dispensing of the substance.

36. Petersen further discloses the lever 58 (figure 3) is attached (indirectly) to a sleeve 66 (figure 3) and a pawl 98 engages with the lever so that upon each push of the lever, the pistons are caused to move forward, providing controlled dispensing of the substances.

37. Petersen also discloses wherein by pressing the lever, a pawl 98 (figure 4) engages with the connecting rod 94 (figure 4B; on underside of element 76 in figure 4) and thereby activates a plunger 50 (figure 2), and a piston 32/44 is moved forward.

38. Petersen is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge.

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However, Nilson discloses a delivery system comprising a self-opening closure system 18 (figure 1) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 57-62; abstract), the self-opening closure system comprising a plug 18 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Petersen if incorporated onto the tips of the device disclosed by Petersen). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Petersen to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Nilson, for the purpose of keeping the dispenser from leaking while not in use.

39. Claims 20, 25, 27 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen and in view of Schlicksupp.

40. Regarding claims 20 and 35, Petersen discloses a delivery system 10 (figure 1) for controlled dispensing of a substance, the system comprising: a cartridge 12 (figure 2) having at least two compartments 18/16 (figure 2) for storing material components that may be mixed to form a substance; a plunger 50 (figure 2) having at least two pistons 32/44 (figure 2) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 58 (figure 4) and a

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geared connection rod 94 (figure 4B) for providing controlled dispensing of the substance.

41. Petersen further discloses the lever 58 (figure 3) is attached (indirectly) to a sleeve 66 (figure 3) and a pawl 98 engages with the lever so that upon each push of the lever, the pistons are caused to move forward, providing controlled dispensing of the substances.

42. Petersen also discloses wherein by pressing the lever, a pawl 98 (figure 4) engages with the connecting rod 94 (figure 4B; on underside of element 76 in figure 4) and thereby activates a plunger 50 (figure 2), and a piston 32/44 is moved forward.

43. Petersen is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Schlicksupp discloses a delivery system comprising a self-opening closure system 4 (figures 2 and 4) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 36-56), the self-opening closure system comprising a plug 4 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Petersen if incorporated onto the tips of the device disclosed by Petersen). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Petersen to include a self-opening closure system which seals the front ends of the compartments and would

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open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Schlicksupp, for the purpose of keeping the dispenser from leaking while not in use.

44. Claims 20, 25, 27 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen and in view of Dark.

45. Regarding claims 20 and 35, Petersen discloses a delivery system 10 (figure 1) for controlled dispensing of a substance, the system comprising: a cartridge 12 (figure 2) having at least two compartments 18/16 (figure 2) for storing material components that may be mixed to form a substance; a plunger 50 (figure 2) having at least two pistons 32/44 (figure 2) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 58 (figure 4) and a geared connection rod 94 (figure 4B) for providing controlled dispensing of the substance.

46. Petersen further discloses the lever 58 (figure 3) is attached (indirectly) to a sleeve 66 (figure 3) and a pawl 98 engages with the lever so that upon each push of the lever, the pistons are caused to move forward, providing controlled dispensing of the substances.

47. Petersen also discloses wherein by pressing the lever, a pawl 98 (figure 4) engages with the connecting rod 94 (figure 4B; on underside of element 76 in figure 4) and thereby activates a plunger 50 (figure 2), and a piston 32/44 is moved forward.

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48. Petersen is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Dark discloses a delivery system comprising a self-opening closure system 10 (figures 1-8) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 5-10; Col. 6, lines 37-45), the self-opening closure system comprising a plug 60/68 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Petersen if incorporated onto the tips of the device disclosed by Petersen). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Petersen to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Dark, for the purpose of keeping the dispenser from leaking while not in use.

49. Claims 20 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (US 6007515) in view of Tischlinger.

50. Regarding claims 20 and 35, Epstein discloses a delivery system (figure 3) for controlled dispensing of a substance, the system comprising: a cartridge 30 having at

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least two compartments for storing material components that may be mixed to form a substance; a plunger 40 having at least two pistons 44 (figures 3 and 15) for advancing the material components in the at least two compartments; and a lever 22 and a geared connection rod 50 for providing controlled dispensing of the substance.

51. Epstein is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Tischlinger discloses a delivery system comprising a self-opening closure system 41 (figures 1 and 2) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 45-65), the self-opening closure system comprising a plug 41 that may be pushed forward upon movement of the plunger toward the front end of the cartridge (Col. 4, lines 45-65). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Tischlinger, for the purpose of keeping the dispenser from leaking while not in use.

52. Claims 20 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein and in view of Nilson.

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53. Regarding claims 20 and 35, Epstein discloses a delivery system (figure 3) for controlled dispensing of a substance, the system comprising: a cartridge 30 having at least two compartments for storing material components that may be mixed to form a substance; a plunger 40 having at least two pistons 44 (figures 3 and 15) for advancing the material components in the at least two compartments; and a lever 22 and a geared connection rod 50 for providing controlled dispensing of the substance.

54. Epstein is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Nilson discloses a delivery system comprising a self-opening closure system 18 (figure 1) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 57-62; abstract), the self-opening closure system comprising a plug 18 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Epstein if incorporated onto the tips of the device disclosed by Epstein). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the

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cartridge, as taught by Nilson, for the purpose of keeping the dispenser from leaking while not in use.

55. Claims 20 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein and in view of Schlicksupp.

56. Regarding claims 20 and 35, Epstein discloses a delivery system (figure 3) for controlled dispensing of a substance, the system comprising: a cartridge 30 having at least two compartments for storing material components that may be mixed to form a substance; a plunger 40 having at least two pistons 44 (figures 3 and 15) for advancing the material components in the at least two compartments; and a lever 22 and a geared connection rod 50 for providing controlled dispensing of the substance.

57. Epstein is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Schlicksupp discloses a delivery system comprising a self-opening closure system 4 (figures 2 and 4) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 36-56), the self-opening closure system comprising a plug 4 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Epstein if incorporated onto the tips of the device disclosed by Epstein). Therefore, it would be obvious to one of ordinary

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skill in the art, at the time the invention was made, to modify Epstein to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Schlicksupp, for the purpose of keeping the dispenser from leaking while not in use.

58. Claims 20 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein and in view of Dark.

59. Regarding claims 20 and 35, Epstein discloses a delivery system (figure 3) for controlled dispensing of a substance, the system comprising: a cartridge 30 having at least two compartments for storing material components that may be mixed to form a substance; a plunger 40 having at least two pistons 44 (figures 3 and 15) for advancing the material components in the at least two compartments; and a lever 22 and a geared connection rod 50 for providing controlled dispensing of the substance.

60. Epstein is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Dark discloses a delivery system comprising a self-opening closure system 10 (figures 1-8) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 5-10; Col. 6, lines 37-45), the self-opening closure

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system comprising a plug 60/68 (seals a hole and therefore serves as a plug) that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Epstein if incorporated onto the tips of the device disclosed by Epstein). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Dark, for the purpose of keeping the dispenser from leaking while not in use.

61. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Tischlinger and in view of Lokhandwala et al (US 20030186190 A1).

62. Regarding claim 24, Broyles/Tischlinger discloses the claimed invention substantially as claimed, as set forth above for claim 20. Broyles/Tischlinger is silent regarding the lever and pawl being adapted to reset to their original positions after each activation without the presence of additional springs. However, Lokhandwala teaches a dispensing device comprising a lever and a pawl which are adapted to reset to their original positions after each activation without the presence of additional springs (paragraph 0019). Therefore it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Broyles/Tischlinger by configuring the lever and pawl to reset to their original positions after each activation without the presence of

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additional springs, as taught by Lokhandwala, for the purpose of making the device simpler to manufacture.

63. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Nilson and in view of Lokhandwala.

64. Regarding claim 24, Broyles/Nilson discloses the claimed invention substantially as claimed, as set forth above for claim 20. Broyles/Nilson is silent regarding the lever and pawl being adapted to reset to their original positions after each activation without the presence of additional springs. However, Lokhandwala teaches a dispensing device comprising a lever and a pawl which are adapted to reset to their original positions after each activation without the presence of additional springs (paragraph 0019). Therefore it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Broyles/Nilson by configuring the lever and pawl to reset to their original positions after each activation without the presence of additional springs, as taught by Lokhandwala, for the purpose of making the device simpler to manufacture.

65. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Schlicksupp and in view of Lokhandwala.

66. Regarding claim 24, Broyles/Schlicksupp discloses the claimed invention substantially as claimed, as set forth above for claim 20. Broyles/Schlicksupp is silent regarding the lever and pawl being adapted to reset to their original positions after each

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activation without the presence of additional springs. However, Lokhandwala teaches a dispensing device comprising a lever and a pawl which are adapted to reset to their original positions after each activation without the presence of additional springs (paragraph 0019). Therefore it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Broyles/Schlicksupp by configuring the lever and pawl to reset to their original positions after each activation without the presence of additional springs, as taught by Lokhandwala, for the purpose of making the device simpler to manufacture.

67. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Dark and in view of Lokhandwala.

68. Regarding claim 24, Broyles/Dark discloses the claimed invention substantially as claimed, as set forth above for claim 20. Broyles/Dark is silent regarding the lever and pawl being adapted to reset to their original positions after each activation without the presence of additional springs. However, Lokhandwala teaches a dispensing device comprising a lever and a pawl which are adapted to reset to their original positions after each activation without the presence of additional springs (paragraph 0019). Therefore it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Broyles/Dark by configuring the lever and pawl to reset to their original positions after each activation without the presence of additional springs, as taught by Lokhandwala, for the purpose of making the device simpler to manufacture.

69. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, in view Tischlinger, and further in view of Lokhandwala.

70. Regarding claim 26, Epstein/Tischlinger discloses the claimed invention substantially as claimed, as set forth above for claim 20. Epstein/Tischlinger is silent regarding a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod. However, Lockhandwala teaches a reinforcement member 126 for hindering possible backlash movement of the connection rod 122, wherein a pawl 152 is adapted to lift the reinforcement member and thereby release the connection rod (Figure 1; paragraph 0019; the reinforcement member 126 is released with each stroke of the lever, wherein the pawl 152 pivots forward so as to push the plunger 120 forward). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein/Tischlinger by including a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod, as taught by Lokhandwala, for the purpose of preventing unwanted movement of the lever.

71. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, in view Nilson and further in view of Lokhandwala.

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72. Regarding claim 26, Epstein/Nilson discloses the claimed invention substantially as claimed, as set forth above for claim 20. Epstein/Nilson is silent regarding a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod. However, Lockhandwala teaches a reinforcement member 126 for hindering possible backlash movement of the connection rod 122, wherein a pawl 152 is adapted to lift the reinforcement member and thereby release the connection rod (Figure 1; paragraph 0019; the reinforcement member 126 is released with each stroke of the lever, wherein the pawl 152 pivots forward so as to push the plunger 120 forward). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein/Nilson by including a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod, as taught by Lokhandwala, for the purpose of preventing unwanted movement of the lever.

73. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, in view Schlicksupp and further in view of Lokhandwala.

74. Regarding claim 26, Epstein/Schlicksupp discloses the claimed invention substantially as claimed, as set forth above for claim 20. Epstein/Schlicksupp is silent regarding a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod. However, Lockhandwala teaches a reinforcement member

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126 for hindering possible backlash movement of the connection rod 122, wherein a pawl 152 is adapted to lift the reinforcement member and thereby release the connection rod (Figure 1; paragraph 0019; the reinforcement member 126 is released with each stroke of the lever, wherein the pawl 152 pivots forward so as to push the plunger 120 forward). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein/Schlicksupp by including a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod, as taught by Lokhandwala, for the purpose of preventing unwanted movement of the lever.

75. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, in view of Dark and further in view of Lokhandwala.

76. Regarding claim 26, Epstein/Dark discloses the claimed invention substantially as claimed, as set forth above for claim 20. Epstein/Dark is silent regarding a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod. However, Lokhandwala teaches a reinforcement member 126 for hindering possible backlash movement of the connection rod 122, wherein a pawl 152 is adapted to lift the reinforcement member and thereby release the connection rod (Figure 1; paragraph 0019; the reinforcement member 126 is released with each stroke of the lever, wherein the pawl 152 pivots forward so as to push the plunger 120

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forward). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein/Dark by including a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod, as taught by Lokhandwala, for the purpose of preventing unwanted movement of the lever.

77. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, in view of Tischlinger and further in view of Fukui (US 6544233 B1).

78. Regarding claims 28, 29, and 30, Petersen/Tischlinger discloses the claimed invention substantially as claimed, as set forth above for claims 20 and 27.

Petersen/Tischlinger is silent regarding the reservoir comprising a sleeve which is movable over the exterior surface of the cartridge and a cavity for receiving the substance exiting the cartridge, the cavity being formed by the interior surface of the sleeve and the exterior surface of the cartridge, wherein the cartridge is caused to move forward toward the cavity thereby providing controlled dispensing of the substance. However, Fukui teaches a reservoir comprising a sleeve 1 (figure 1A) which is movable over the exterior surface of a cartridge 6 (figures 1A and 1B) and a cavity 9 for receiving the substance exiting the cartridge, the cavity 9 being formed by the interior surface of the sleeve 1 and the exterior surface of the cartridge 6, wherein the cartridge is caused to move forward toward the cavity (figures 1A and 1B) thereby providing controlled dispensing of the substance. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Petersen/Tischlinger by including

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the sleeve and integral parts, as taught by Fukui, with the cartridge disclosed by Petersen, for the purpose of allowing two substances to mix prior to being dispensed from the device. Upon modification of Petersen/Tischlinger, as described above, the cartridge would act as a piston and be moved forward into the reservoir just as the pistons disclosed by Petersen are activated (as described above for claim 1).

79. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, in view of Nilson and further in view of Fukui.

80. Regarding claims 28, 29, and 30, Petersen/Nilson discloses the claimed invention substantially as claimed, as set forth above for claims 20 and 27.

Petersen/Nilson is silent regarding the reservoir comprising a sleeve which is movable over the exterior surface of the cartridge and a cavity for receiving the substance exiting the cartridge, the cavity being formed by the interior surface of the sleeve and the exterior surface of the cartridge, wherein the cartridge is caused to move forward toward the cavity thereby providing controlled dispensing of the substance. However, Fukui teaches a reservoir comprising a sleeve 1 (figure 1A) which is movable over the exterior surface of a cartridge 6 (figures 1A and 1B) and a cavity 9 for receiving the substance exiting the cartridge, the cavity 9 being formed by the interior surface of the sleeve 1 and the exterior surface of the cartridge 6, wherein the cartridge is caused to move forward toward the cavity (figures 1A and 1B) thereby providing controlled dispensing of the substance. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Petersen/Nilson by including the sleeve and

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integral parts, as taught by Fukui, with the cartridge disclosed by Petersen, for the purpose of allowing two substances to mix prior to being dispensed from the device.

Upon modification of Petersen/Nilson, as described above, the cartridge would act as a piston and be moved forward into the reservoir just as the pistons disclosed by Petersen are activated (as described above for claim 1).

81. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, in view of Schlicksupp and further in view of Fukui.

82. Regarding claims 28, 29, and 30, Petersen/Schlicksupp discloses the claimed invention substantially as claimed, as set forth above for claims 20 and 27.

Petersen/Schlicksupp is silent regarding the reservoir comprising a sleeve which is movable over the exterior surface of the cartridge and a cavity for receiving the substance exiting the cartridge, the cavity being formed by the interior surface of the sleeve and the exterior surface of the cartridge, wherein the cartridge is caused to move forward toward the cavity thereby providing controlled dispensing of the substance. However, Fukui teaches a reservoir comprising a sleeve 1 (figure 1A) which is movable over the exterior surface of a cartridge 6 (figures 1A and 1B) and a cavity 9 for receiving the substance exiting the cartridge, the cavity 9 being formed by the interior surface of the sleeve 1 and the exterior surface of the cartridge 6, wherein the cartridge is caused to move forward toward the cavity (figures 1A and 1B) thereby providing controlled dispensing of the substance. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Petersen/Schlicksupp by including

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the sleeve and integral parts, as taught by Fukui, with the cartridge disclosed by Petersen, for the purpose of allowing two substances to mix prior to being dispensed from the device. Upon modification of Petersen/Schlicksupp, as described above, the cartridge would act as a piston and be moved forward into the reservoir just as the pistons disclosed by Petersen are activated (as described above for claim 1).

83. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, in view of Dark and further in view of Fukui.

84. Regarding claims 28, 29, and 30, Petersen/Dark discloses the claimed invention substantially as claimed, as set forth above for claims 20 and 27. Petersen/Dark is silent regarding the reservoir comprising a sleeve which is movable over the exterior surface of the cartridge and a cavity for receiving the substance exiting the cartridge, the cavity being formed by the interior surface of the sleeve and the exterior surface of the cartridge, wherein the cartridge is caused to move forward toward the cavity thereby providing controlled dispensing of the substance. However, Fukui teaches a reservoir comprising a sleeve 1 (figure 1A) which is movable over the exterior surface of a cartridge 6 (figures 1A and 1B) and a cavity 9 for receiving the substance exiting the cartridge, the cavity 9 being formed by the interior surface of the sleeve 1 and the exterior surface of the cartridge 6, wherein the cartridge is caused to move forward toward the cavity (figures 1A and 1B) thereby providing controlled dispensing of the substance. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Petersen/Dark by including the sleeve and integral

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parts, as taught by Fukui, with the cartridge disclosed by Petersen, for the purpose of allowing two substances to mix prior to being dispensed from the device. Upon modification of Petersen/Dark, as described above, the cartridge would act as a piston and be moved forward into the reservoir just as the pistons disclosed by Petersen are activated (as described above for claim 1).

85. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Tischlinger, and further in view of Simonton.

86. Regarding claim 32, Broyles/Tischlinger disclose the claimed invention substantially as claimed, as set forth above for claims 20 and 22. Broyles/Tischlinger is silent regarding the system further comprising a brush. However, Simonton teaches a brush 32 (Figure 1) attached to a material dispenser. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Tischlinger by attaching a brush to the system, as taught by Simonton, for the purpose of helping to facilitate the precise application of material (paragraph 0018).

87. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Nilson and further in view of Simonton.

88. Regarding claim 32, Broyles/Nilson disclose the claimed invention substantially as claimed, as set forth above for claims 20 and 22. Broyles/Nilson is silent regarding the system further comprising a brush. However, Simonton teaches a brush 32 (Figure 1) attached to a material dispenser. Therefore, it would be obvious to one of ordinary

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skill in the art, at the time the invention was made, to modify Broyles/Nilson by attaching a brush to the system, as taught by Simonton, for the purpose of helping to facilitate the precise application of material (paragraph 0018).

89. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Schlicksupp and further in view of Simonton.

90. Regarding claim 32, Broyles/Schlicksupp disclose the claimed invention substantially as claimed, as set forth above for claims 20 and 22. Broyles/Schlicksupp is silent regarding the system further comprising a brush. However, Simonton teaches a brush 32 (Figure 1) attached to a material dispenser. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Schlicksupp by attaching a brush to the system, as taught by Simonton, for the purpose of helping to facilitate the precise application of material (paragraph 0018).

91. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Dark and further in view of Simonton.

92. Regarding claim 32, Broyles/Dark disclose the claimed invention substantially as claimed, as set forth above for claims 20 and 22. Broyles/Dark is silent regarding the system further comprising a brush. However, Simonton teaches a brush 32 (Figure 1) attached to a material dispenser. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Dark by attaching a

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brush to the system, as taught by Simonton, for the purpose of helping to facilitate the precise application of material (paragraph 0018).

93. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Tischlinger, further in view of Simonton, and further in view of Ferguson.

94. Regarding claim 34, Broyles/Tischlinger/Simonton discloses the system according to claim 33, but is silent regarding a kit with a system according to claim 33, further comprising a glove. However, Ferguson teaches a kit 10 that holds a dispensing system 30 ("syringe") and a glove 52 (Figure 1). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Tischlinger/Simonton by putting it in a kit with a glove, as taught by Ferguson, for the purpose of transporting multiple needed items together.

95. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Nilson, further in view of Simonton, and further in view of Ferguson.

96. Regarding claim 34, Broyles/Nilson/Simonton discloses the system according to claim 33, but is silent regarding a kit with a system according to claim 33, further comprising a glove. However, Ferguson teaches a kit 10 that holds a dispensing system 30 ("syringe") and a glove 52 (Figure 1). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Nilson/Simonton by putting it in a kit with a glove, as taught by Ferguson, for the purpose of transporting multiple needed items together.

97. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Schlicksupp, further in view of Simonton, and further in view of Ferguson.

98. Regarding claim 34, Broyles/Schlicksupp/Simonton discloses the system according to claim 33, but is silent regarding a kit with a system according to claim 33, further comprising a glove. However, Ferguson teaches a kit 10 that holds a dispensing system 30 ("syringe") and a glove 52 (Figure 1). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Schlicksupp/Simonton by putting it in a kit with a glove, as taught by Ferguson, for the purpose of transporting multiple needed items together.

99. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Dark, further in view of Simonton, and further in view of Ferguson.

100. Regarding claim 34, Broyles/Dark/Simonton discloses the system according to claim 33, but is silent regarding a kit with a system according to claim 33, further comprising a glove. However, Ferguson teaches a kit 10 that holds a dispensing system 30 ("syringe") and a glove 52 (Figure 1). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Dark/Simonton by putting it in a kit with a glove, as taught by Ferguson, for the purpose of transporting multiple needed items together.

### ***Response to Arguments***

101. Applicant's arguments, filed 7/06/2011, with respect to the rejection(s) of the claim(s) under Broyles/Speer, Petersen/Speer and Epstein Speer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Broyles/Tischlinger, Broyles/Nilson, Broyles/Schlicksupp, Broyles/Dark, Petersen/Tischlinger, Petersen/Nilson, Petersen/Schlicksupp, Petersen/Dark, Epstein/Tischlinger, Epstein/Nilson, Epstein/Schlicksupp, Epstein/Dark.

102. In response to Applicant's arguments that Petersen is silent regarding a lever attached to a sleeve, the Examiner respectfully disagrees. Petersen discloses a lever 58 (figure 3) which is indirectly attached to a sleeve 66 (figure 3).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Rosen whose telephone number is (571) 270-7855. The examiner can normally be reached Monday-Friday 930am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, ***please contact the examiner's supervisor, Cris Rodriguez, at (571) 272-4964.*** The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

***If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to***

***TC3700\_Workgroup\_D\_Inquiries@uspto.gov.***

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/ERIC ROSEN/  
Examiner, Art Unit 3732

/Cris L. Rodriguez/  
Supervisory Patent Examiner, Art Unit 3732